



Submission from the New Zealand Consulate-General

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From: "New Zealand Consulate-General, Hong Kong" [REDACTED]

To: hkcode@dh.gov.hk, formulafoods_consultation@fehd.gov.hk

To:

The Secretariat Office of the Taskforce on Hong Kong Code of Marketing of Breastmilk Substitutes

AND

**Centre for Food Safety
(Attn: Consultation on formula products and foods for infants and young children)
Food and Environmental Hygiene Department**

By email to

hkcode@dh.gov.hk and formulafoods_consultation@fehd.gov.hk

RE: Submission from the New Zealand Consulate-General on behalf of the New Zealand Ministry for Primary Industries

In reference to the regulatory changes proposed in Hong Kong around Hong Kong Code of Marketing and Quality of Formula Milk and Related Products, and Food Products for Infants and Young Children and the Consultation Document - Legislative Proposals Relating to Formula Products and Foods Intended for Infants and Young Children under the Age of 36 Months, this is an abbreviated submission from the New Zealand Consulate-General in Hong Kong on behalf of the New Zealand Ministry for Primary Industries: We intend to present a formal submission in early January 2013.

Compositional Requirements

There appears to be some conflicting information in relation to the compositional requirements for follow-up formula (this could possibly be due to the translation from the original document).

Section 4.4 (page 15) of the public consultation document found at

http://www.cfs.gov.hk/english/food_leg/files/Formula_Products_CD_e.pdf

states:

4.4. We have not proposed to impose nutritional composition requirement on follow-up formula and foods intended for infants and young children under the age of 36 months for the following reasons -

- (a) infants and young children who have begun complementary feeding are no longer solely dependent on milk formulae or the abovementioned foods for infants and young children for nutrients;*
- (b) conventional child statistics has indicated satisfactory child growth and there is no data to reflect specific nutritional deficiencies;*
- (c) Codex composition standard for follow-up formula was set over 20 years ago and follow-up formula has undergone significant development over the years. Codex has just started the process of reviewing this set of standard; and*
- (d) balanced nutrition for growth of children should be achieved by parental and caregiver education on the appropriate food intake.*

This differs significantly to the requirements contained within Article 9 – Quality Standards of the Hong Kong Quality of Formula Milk and Related Products, and Food Products for Infants and Young Children (and the WTO notification) which states that the composition of FUF must be formulated to either the relevant Codex Standard or any other relevant standards established by recognised international authorities. ‘Quality Standard’ is defined as ‘*the requirements of a designated product other than formula milk related products on essential composition and quality factors (including but not limited to energy content, nutrient content, ingredients, consistency/particular size, and purity requirements), food additives, contaminants and hygiene*’ and hence includes ‘composition’.

9.2 Quality standards of follow-up formula and food products for infants and young children

9.2.1 *A manufacturer or distributor should not offer for sale or sell follow-up formula and food products for infants and young children unless the products are formulated industrially in accordance with: –*

(a) the relevant quality standard(s) established by Codex below:

- (i) Standard for Follow-up formula (CODEX STAN 156-1987);*
- (ii) Standard for Canned Baby Foods (CODEX STAN 73-1981);*
- (iii) Standard for Processed Cereal-Based Foods for Infants and Young Children (CODEX STAN 74-1981);*
- (iv) General Standard for Food Additives (CODEX STAN 192-1995);*
- (v) Code of Hygienic Practice for Powdered Formulae for Infants and Young Children (CAC/RCP 66-2008);*
- (vi) Guidelines for Formulated Supplementary Foods for Older Infants and Young Children (CAC/GL 08-1991); or*

(b) any other relevant quality standard(s) on nutritional composition established by recognised international authorities or national authorities, provided that following such standard(s) will not

pose public health risk to the local population.

There appears to be no requirement for the Hong Kong authorities to provide an approved list of national authorities. The code also states that even if the products do follow such national standards, they must also ensure that they “will not pose public health risk to the local population” [by Hong Kong standards]. It is not clear whether New Zealand milk-powder which does not meet codex standards, but does meet New Zealand standards would be issued a warning by the CFS.

We understand that the new Code will be voluntary however, there is a need for clear implementation dates and would ask the Hong Kong Government to consider imposing suitable grace periods where labelling and formulation changes may be required.

Labelling

We ask the Hong Kong Government to consider consistency with WHO Code of Marketing of Breast Milk Substitutes. The local proposal seems more restrictive and alarmist.

In terms of the requirement to reference CODEX standards on the label, we note that it would be hard to future-proof the label as standards change over time. We note that it would be more efficient to apply standards to compositional regulations.

Product categorisation

On the topic of the “follow-up formula for infants 6 months to 36 months”, we note that in Australian/NZ standards, the labelling requirements proposed for follow-up formulas are not necessary and not usually applied for products for children over 12 months.

New Zealand Consulate-General in Hong Kong
on behalf of the New Zealand Ministry for Primary Industries

31 December 2012

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